

# **Decision of Refusal**

Patent Application No	JP2003-028847
Drafting Date	August 17, 2007
Examiner of JPO	Hiroyuki Kataoka 9521 3H00
Title of the Invention	ROUTE SEARCH METHOD AND TRAFFIC INFORMATION DISPLAY METHOD FOR A NAVIGATION DEVICE
Applicant	Xanavi Informatics Corporation
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This patent application is refused for the reason 1, 2 as stated in the notification of reason(s) for refusal dated December 15, 2006.

The argument and amendment have been examined, but no basis sufficient to overthrow the previously given reason(s) for refusal has been found.

## **Remarks**

### **1. Concerning each of the Claims**

#### **(1) Concerning Claims 1 to 4, 10, and 15**

The invention described in Cited Reference 1 (Japanese Patent Application Laid-Open No. H09-280880) also stores traffic information for each time period, and performs route searching using the traffic information. (Cited Reference 1, Paragraphs 0022 and 0029.)

Therefore, the invention according to Claims 1 to 3 and 10 of the present application is the invention described in Cited Reference 1, and a person skilled in the art could easily realize this invention based on the invention described in Cited Reference 1.

Furthermore, error display is described in Cited Reference 2 (Japanese Patent Application Laid-Open No. 2000-146600). Computation of reliability level based on the error requires no more than ordinary creative ability on the part of a person skilled in the art. Therefore, the invention according to Claim 4 of the present application is an invention that could be easily realized by a person skilled in the art, based on the invention described in Cited Reference 1 and Cited Reference 2.

Furthermore, obtaining weather information for a time-period is well known, as is described, for example, in Japanese Patent Application Laid-Open No. 2001-91292 and Japanese Patent Application Laid-Open No. H11-272983.

#### **(2) Concerning Claims 5 to 8**

Display of congestion level is described in Cited Reference 3 (Japanese Patent Application Laid-Open No. H08-44997).

Furthermore, it is not clear what type of configuration the graph along a time axis

has in the present application, and display of congestion level by a graph is described in Cited Reference 3, and having a congestion level for each time-period is described in Cited Reference 1. Therefore, from the descriptions of Cited Reference 1 and Cited Reference 3, it would be easy for a person skilled in the art to envisage a graph along a time axis.

Moreover, specifying the departure time is described in Cited Reference 1. (Cited Reference 1, Paragraph 0041).

Therefore, the invention according to Claims 5 to 8 of the present application could be easily realized by a person skilled in the art, based on the inventions described in Cited Reference 1 and Cited Reference 3.

(3) Concerning Claim 9

The point regarding carrying out a search anew is described in Cited Reference 5.

Therefore, the invention according to Claim 9 of the present application could be easily realized by a person skilled in the art based on the invention described in Cited Reference 1 and Cited Reference 5.

(4) Concerning Claims 11 to 14

The point regarding having statistical data corresponding to estimated transit time-period is described in Cited Reference 1. Furthermore, the point regarding displaying level of congestion is described in Cited Reference 3.

Therefore, the invention according to Claims 11 to 14 of the present application could be easily realized by a person skilled in the art based on the invention described in Cited Reference 1, Cited Reference 3, and Cited Reference 6 (Japanese Patent Application Laid-Open No. H09-113290).

2. Concerning the Argument of the Applicant

In a written argument dated February 16, 2007, the applicant makes the following assertions, (1) to (6).

(1) The invention according to Claims 1 to 3 and 10 of the present application after amendment is provided with a configuration (referred to below as Configuration A) in which, when a recommended route is selected, by obtaining traffic information at each link (statistical data in Claim 10), and, for this obtained information, obtaining traffic information (statistical information in Claim 10) corresponding to estimated transit time-period, a route is computed with good accuracy. In contrast to this, the invention described in Cited Reference 1 cannot be said to be provided with this Configuration A.

(2) The invention according to each of Claims 11 to 14 of the present application after amendment, is provided with a step/means (referred to as Configuration B below)

in which statistical data corresponding to the estimated transit time-period is obtained, and is displayed together with congestion level corresponding to the statistical data. Cited Reference 6 does not describe a configuration similar to the abovementioned Configuration B using statistical data corresponding to the estimated transit time-period.

(3) In Claim 4 of the present application after amendment, the travel time error for each link is computed by multiplying by a prescribed error rate, the travel time error of the recommended route is computed by summing the travel time error of each link, and a prescribed reliability level corresponding to the error is displayed on the screen (referred to below as Configuration C). This Configuration C realizes an effect in that a user can know the reliability level concerning the forecast of the total required time to a destination. This effect is not realized by the invention described in Cited Reference 2.

(4) The invention described in Claims 5, 6, and 8 of the present application after amendment is provided with a configuration (referred to below as Configuration D) which displays congestion level obtained from the statistical information corresponding to the estimated transit time-period, but it is clear that there is no description concerning Configuration D in the invention described in Cited Reference 3, not is there any suggestion thereof.

(5) In Claim 7 of the present application after amendment, a configuration is provided (referred to below as Configuration E) in which it is possible to receive a desired departure time for a user, and with this as a reference, a plurality of departure times are computed, but Cited Reference 4 does not provide this Configuration E and gives no suggestion thereof.

(6) With regard to carrying out a search anew, as described in Claim 9 of the present application after amendment, the fact that actual traveling is done, processing is performed to compare the actual travel time results with the forecast travel time and, if the difference is large, a search is carried out anew (referred to Configuration G below), is different to the invention described in Cited Reference 5.

First, with regard to point (1), from the description of paragraphs 0022 and 0029 of Cited Reference 1, the invention described in Cited Reference 1 has statistical data concerning traffic information for each link, and furthermore, using this data, performs a route search with good accuracy, as in described in paragraphs 0043 to 0050. Therefore, the invention described in Cited Reference 1 is provided with the Configuration A mentioned by the applicant.

Next, concerning point (2), reference should be made to the abovementioned point 1 (4).

Next, concerning point (3), the assertion of the applicant is merely one of novelty. In addition, the invention described in Cited Reference 1 also obtains an estimated error value.

Next, concerning point (4), the assertion of the applicant is merely an assertion of novelty. In addition, the point concerning obtaining congestion level from statistical information is described in Cited Reference 1.

Next, concerning point (5), the assertion of the applicant is merely an assertion of novelty. In addition, the point concerning receiving departure time is described in Cited Reference 1.

Next, concerning point (6), the invention described in Cited Reference 5 also performs a search anew, based on difference between transmitted travel time and actual travel time.

Therefore, the assertions of the applicant cannot be accepted.

Moreover, Claim 6 includes the description “displays a graph form along a time axis”, but this description is not described in the specification or drawings of the initial application. In the abovementioned written Argument, the applicant asserts that the amendment of Claim 6 is based on paragraph 0123, but the description in this paragraph concerns only creating a time display bar (it is unclear what form this takes) including a plurality of time-periods.

If the applicant has any dissatisfaction against this decision, a written demand for trial should be submitted to the Commissioner of the Patent Office within 30 days (within 90 days for overseas applicant) from the transmittal of the transcript of this patent decision.  
(Patent Law Section 121(1))

(Teaching based on Law on suits against the government 46(2))

To this decision, the revocation proceedings against only the trial decision to the demand for trial about this decision can be raised (Patent Law Section 178(6))